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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cotten *et al.*

Appl. No. 09/688,371

Filed: October 12, 2000

For: **Recombinant, Replication Defective
CELO Virus and CELO Virus
DNA**

Art Unit: 1646

Examiner: *To Be Assigned*

Atty. Docket: 0652.2150001/EKS/PAJ

Information Disclosure Statement



Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

Document AL1 is in a foreign language. Document AT28 is an English language translation of Document AL1. As such, no concise explanation of relevance is required. *See* M.P.E.P. § 609(A)(3) at 600-101 (7th ed. Revision 1, 2000).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

The Examiner's attention is further directed to the following co-pending U.S. Patent Applications:

09/171,461, §102(e) Date: January 12, 1999; and

09/399,778, filed September 21, 1999,

which are directed to related technical subject matter. Pursuant to C.F.R. §1.98(a)(2), legible copies of these applications are provided herein as documents AR28 and AS28, respectively. The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date: Jan. 18, 2001

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